

***Remarks***

Reconsideration of this Application is respectfully requested.

Upon entry of the foregoing amendment, claims 1-20 are pending in the application, with claims 1, 8, and 15 being the independent claims. Claim 1 is amended herein for grammatical purposes. New claims 8-20 are sought to be added. These changes are believed to introduce no new matter, and their entry is respectfully requested.

Based on the above amendment and the following remarks, Applicants respectfully request that the Examiner reconsider all outstanding objections and rejections and that they be withdrawn.

***Summary of the Interview***

Applicants thank Examiner Coleman for the courtesies extended to Applicants' representative, John T. Haran, during the telephonic interview of June 1, 2009. The contents of the discussion are incorporated throughout the following arguments.

***Rejections under 35 U.S.C. § 102 and § 103***

Claims 1-7 are rejected under 35 U.S.C. § 102(b) as being allegedly anticipated by U.S. Pub. No. 2004/0163622 to Sakaguchi *et al.* ("the Sakaguchi publication"). Claims 2-5 are rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over the Sakaguchi publication in view of U.S. Patent No. 4, 355,609 to Skinner ("the Skinner patent"). It is noted that the filing date of this national stage application is the same as the filing date of the PCT application, which is August 20, 2004. See MPEP 1893.03(b). Accordingly, the Sakaguchi publication, filed on January 16, 2004 and

published on August 26, 2004 is available as prior art only under 35 U.S.C. § 102(e).  
Applicants respectfully traverse these rejections.

Independent Claim 1

Independent claim 1 is directed to a governor device and calls for "a set load changing means for the elastic member attached to the first lever near the elastic member." The Sakaguchi publication fails to disclose the claimed invention.

The Examiner appears to consider the center portion of outer arm 34 to be a first lever and for spring 37 to be the elastic member. However, the Examiner did not specifically state what he considered to be the set load changing means in the Sakaguchi publication. Further, there does not appear to be a set load changing means for an elastic member attached to a first lever near the elastic member in the Sakaguchi publication.

During the telephonic interview of June 1, 2009, the Examiner stated that regulator handle 39 is the claimed set load changing means. However, regulator handle 39 is *not attached* to the center portion of outer arm 34, which the Examiner asserts is the first lever. Accordingly, regulator handle is not "attached to the first lever" as claimed. In addition, the Examiner also designated regulator handle 39 in the Office Action as being the claimed rotary speed setting lever. The set load changing means and the rotary speed setting lever are two separate distinct elements, therefore regulator handle 39 cannot be both the set load changing means and the rotary speed setting lever. Accordingly, the Sakaguchi publication fails to anticipate the claimed invention.

For at least the above noted reasons, independent claim 1, and claims 2-7 which depend therefrom, are allowable. Applicants respectfully request these rejections be reconsidered and withdrawn, and the claims allowed.

Independent Claim 8

Newly added independent claim 8 is similar to claim 1, except it recites a second lever is "separate from and pivotally supported by the first lever." The Sakaguchi publication fails to disclose the claimed invention.

As best seen in FIG. 2, the Sakaguchi publication discloses an outer arm 34 having three arms 34a, 34b, and 34c projecting radially from the center portion, see paragraph [0032]. The Examiner considers the claimed first lever to be the center portion of outer arm 34 and the claimed second lever to be arm 34b, even though they are both part of outer arm 34 and not separate pieces. Assuming, for arguments sake, that the center portion of outer arm 34 and arm 34b are the claimed first and second levers, they are not *separate* from one another, but rather are parts of a single piece. Accordingly, the Sakaguchi publication fails to disclose a second lever that is *separate* from the first lever.

Independent claim 8 also calls for "a set load changing means for the elastic member attached to the first lever near the elastic member." As discussed above, with respect to claim 1, the Sakaguchi publication fails to disclose the claimed set load changing means.

For at least the above noted reasons, independent claim 8, and claims 9-14 which depend therefrom, are allowable. Applicants respectfully request these claims be allowed.

Independent Claim 15

Newly added independent claim 15 is similar to claim 2 in independent form, except it recites a set load changing means "comprising a rotatable adjusting shaft." For example, FIG. 6 of the present application, shows a set load changing means 50 that includes an elastic member, for example spring 38, to bias first and second levers. A rotatable adjusting shaft 45, may be rotated to change the position of a bracket, for example plate 35, and thereby a set load spring 38 applies the second lever. The Sakaguchi publication and the Skinner patent fails to disclose or render obvious, either alone or in combination, the claimed invention.

As noted by the Examiner in the Office Action on p. 4, the Sakaguchi publication fails to disclose the claimed invention. The Skinner patent, fails to cure the deficiencies of the Sakaguchi publication.

The Skinner patent discloses a rubber bellows 24 enclosing magnet 22 attached to lever 16 and ferrous member 23 attached to lever 12. The Examiner appears to consider magnet 22 and ferrous member 23 to be the claimed "adjustable shaft." Assuming for arguments sake, magnet 22 and ferrous member 23 constitute the claimed adjustable shaft, neither magnet 22 nor ferrous member 23 is *rotatable*. Further, there is no reason one of ordinary skill in the art would add the bellows and magnet assembly of the Skinner patent into the assembly of the Sakaguchi publication. Even if such an addition

was made, the resulting assembly would not have a set load changing means with a *rotatable* adjusting shaft. Accordingly, the Sakaguchi publication and the Skinner patent fails to disclose or render obvious, either alone or in combination, the claimed invention.

For at least the above noted reasons, independent claim 15, and claims 16-20, which depend therefrom, are allowable. Applicants respectfully request these claims be allowed.

### ***Conclusion***

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicants believe that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment and Reply is respectfully requested.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



John T. Haran  
Attorney for Applicants  
Registration No. 58,010

Date: July 21, 2009

1100 New York Avenue, N.W.  
Washington, D.C. 20005-3934  
(202) 371-2600  
1005524\_1.DOC